

SECOND REGULAR SESSION

HOUSE BILL NO. 1808

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HOLAND.

Read 1st time February 5, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

4247L.011

AN ACT

To repeal section 334.104, RSMo, and to enact in lieu thereof one new section relating to the state board of registration for the healing arts.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 334.104, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 334.104, to read as follows:

334.104. 1. A physician may enter into collaborative practice arrangements with registered professional nurses. Collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols, or standing orders for the delivery of health care services. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer or dispense drugs and provide treatment as long as the delivery of such health care services is within the scope of practice of the registered professional nurse and is consistent with that nurse's skill, training and competence.

2. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer, dispense or prescribe drugs and provide treatment if the registered professional nurse is an advanced practice nurse as defined in subdivision (2) of section 335.016, RSMo. Such collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols or standing orders for the delivery of health care services.

3. The state board of registration for the healing arts pursuant to section 334.125 and the board of nursing pursuant to section 335.036, RSMo, may jointly promulgate rules regulating

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 the use of collaborative practice arrangements. Such rules shall be limited to specifying
18 geographic areas to be covered, the methods of treatment that may be covered by collaborative
19 practice arrangements and the requirements for review of services provided pursuant to
20 collaborative practice arrangements. Any rules relating to dispensing or distribution of
21 medications or devices by prescription or prescription drug orders under this section shall be
22 subject to the approval of the state board of pharmacy. In order to take effect, such rules shall
23 be approved by a majority vote of a quorum of each board. Neither the state board of registration
24 for the healing arts nor the board of nursing may separately promulgate rules relating to
25 collaborative practice arrangements. Such jointly promulgated rules shall be consistent with
26 guidelines for federally funded clinics. The rulemaking authority granted in this subsection shall
27 not extend to collaborative practice arrangements of hospital employees providing inpatient care
28 within hospitals as defined pursuant to chapter 197, RSMo.

29 4. [The state board of registration for the healing arts shall not deny, revoke, suspend or
30 otherwise take disciplinary action against a physician for acts arising out of an agreement, which
31 on or after August 28, 1993, shall be a written agreement, with a registered professional nurse,
32 a pharmacist or registered physician assistant practicing within the scope of his license or
33 registration.] Upon the written request of [the] a physician subject to [the] a **disciplinary**
34 action[, the record of any such disciplinary licensure action] imposed as a result of an agreement
35 between a physician and a registered professional nurse or registered physician assistant, whether
36 written or not, prior to August 28, 1993, **all records of such disciplinary licensure action** and
37 all records pertaining to the filing, investigation or review of an alleged violation of this chapter
38 incurred as a result of such an agreement shall be removed from the records of the state board
39 of registration for the healing arts and the division of professional registration and shall not be
40 disclosed to any public or private entity seeking such information from the board or the division.
41 The state board of registration for the healing arts shall take action to correct reports of alleged
42 violations and disciplinary actions as described in this section which have been submitted to the
43 National Practitioner Data Bank. In subsequent applications or representations relating to his
44 medical practice, a physician completing forms or documents shall not be required to report any
45 actions of the state board of registration for the healing arts for which the records are subject to
46 removal under this section.